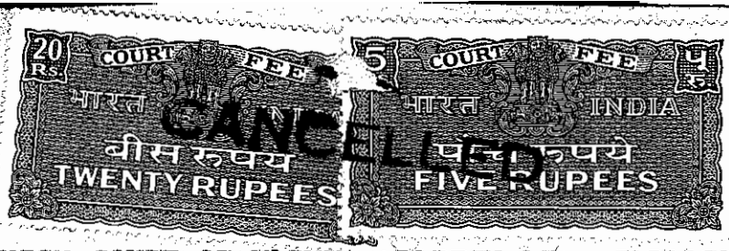

IN THE HIGH COURT OF MADHYA PRADESH AT : JABALPUR.

Writ. Mixxx Petitioner No. 735 of 1995.

Petitioner : R.K.Sharma, aged about 43 years, Son of Shri Durga Prasad Sharma, C/o Smt.Panna Sharma, Teacher Primary School Tilda P.O.Nevra, Distt. R A I P U R .(M.P.)

Versus

Respondents: 1.The Chief Executive Officer, Janpad Panchayat, Bhatapara, Distt. R A I P U R .(M.P.)

2.The Collector, R A I P U R .(M.P.)

3.The Sub Divisional Officer, Janpad Sabha, R A I P U R .(M.P.)

4.The Deputy Director, Panchayat & Social Welfare, R A I P U R .(M.P.)

PETITIONXX UNDER ARTICLES-226/227 OF THE CONSTITUTION OF XX INDIA.

(69)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 735 of 1995

Petitioner R.K. Sharma

Versus

Respondents The Chief Executive Officer & others

Single Bench : Hon'ble Mr. Justice **Satish K. Agnihotri**.

Shri Ashish Shrivastava, counsel for the petitioner.

Shri Sandeep Dubey, counsel for the respondent No. 1.

Shri Pankaj Shrivastava, Panel lawyer for the respondents No. 2 to 4/State.

ORAL ORDER

(6th March, 2006)

1. Learned counsel for the petitioner submits that the petitioner was appointed as Lower Division Clerk by the respondent No. 3/Sub Divisional Officer vide order dated 11.8.1972 (Annexure P-1). Service of the petitioner was terminated on 1.7.1989 (Annexure P-7) on the ground that he continued to remain absent.

2. Being aggrieved, the petitioner has filed his representation/appeal on 14.9.1992 (Annexure P-10) and 11.12.1992 (Annexure P-12). The same have not been considered by the authority concerned, who is an appellate authority under the provisions of Rule 32 of the M.P. Jan Pad Panchayat (Eligibility, Recruitment and Conditions of Service) Rules, 1976 (hereinafter referred to as "Rules 1976").

3. Learned counsel for the respondent No. 1 submits that the letters dated 14.9.1992 (Annexure P-10) and 11.12.1992 (Annexure P-12) are not the appeal, as contemplated under Rule 32 of Rules 1976. Learned counsel further states that the petitioner has not filed any statutory appeal as provided under Rule 32 of Rules 1976.

(10)

4. Be that as it may, letters dated 14.9.1992 (Annexure P-10) and 11.12.1992 (Annexure P-12) be treated as appeal without insisting upon any proforma required in appeal and the respondent No. 1 is accordingly, directed to consider and decide letters dated 14.9.1992 (Annexure P-10) and 11.12.1992 (Annexure P-12) as an appeal against the order of termination filed by the petitioner within a period of six weeks from the date of receipt/production of a copy of this order.

5. In view of the foregoing, the writ petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu